

PATENT
29715/35152R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants:

GIROIR et al.

Serial No: 09/991,603

Filed: November 23, 2001

For: THERAPEUTIC USES OF
BPI PROTEIN PRODUCTS FOR
HUMAN MENINGOCOCCEMIA

Group Art Unit: 1653

Examiner: Abdel A. Mohamed

) I hereby certify that this paper is being
deposited with the United States Postal Service as First Class mail, postage prepaid,
in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date.
) September 18, 2003
)
) Jeffrey S. Sharp _____
) Registration No. 31,879
) Attorney for Applicants

RESPONSE TO OFFICE ACTION DATED MARCH 18, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is responsive to the Office Action dated March 18, 2003 in which all pending claims of the above-identified application were rejected on the basis of a defective reissue oath/declaration and that the identified "error" is not an appropriate error. Reconsideration of the rejection is hereby solicited for the grounds set out herein. This Response is timely filed as a three month extension of time until September 18, 2003 is submitted herewith.

The rejection of the Reissue Application should be withdrawn because it is the term itself of the patent which is, through error and without deceptive intent, partly inoperative as a consequence of the addition of an unnecessary priority claim. In the